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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,635	12/28/2000	Chien-Sheng Chou	XER 2 0396 D/A0773	6973
7590	05/21/2004			EXAMINER
Albert P. Sharpe, III Fay, Sharpe, Fagan, Minnich & McKee, LLP 7th Floor 1100 Superior Avenue Cleveland, OH 44114			BLAIR, DOUGLAS B	
			ART UNIT	PAPER NUMBER
			2142	
DATE MAILED: 05/21/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/750,635	CHOU ET AL.
	Examiner Douglas B Blair	Art Unit 2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 28 December 2000.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-23 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-23 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>2 and 4</u> .	6) <input type="checkbox"/> Other: _____.

## **DETAILED ACTION**

### ***Double Patenting***

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-23 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3, 16, and 18 of copending Application No. 09/768,148. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of the present invention are considered to be broader than the claims of 09/768,148, specifically the combination of claims 1 and 3 and 16 and 18 of 09/768,148.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-8, 11-15, 17-20, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 5,845,265 to Woolston.

5. As to claim 1, Woolston teaches a system for generating a requisition for selectable items comprising: a client computer system connected to a network; a server computer system connected to the network, the network interconnecting the client computer system and the server computer system, the client computer configured to allow a plurality of users to access the server computer system (col. 8, line 39-col. 9, line 26), the server computer system configured to: associate one of a plurality of work sites with each of said users (col. 15, line 43-col. 16, line 26, dealer to dealer and retail are considered different work sites.); identify items which may be requisitioned by a user associated with the associated work site, and items which may not be requisitioned by a user associated with the associated work site (col. 15, line 43-col. 16, line 26); receive and process a request of one or more selected items (col. 15, line 43-col. 16, line 26); verify that each requested item is an item that may be requisitioned by a user associated with the associated work site (col. 15, line 43-col. 16, line 26); and generate a requisition for the verified items (col. 15, line 43-col. 16, line 26).

6. As to claim 2, Woolston teaches the system of claim 1, wherein the client computer system comprises a web browser for accessing the network and communicating with the server over the network (col. 8, line 39-col. 9, line 26).

7. As to claim 3, Woolston teaches the system of claim 1, wherein the server computer system comprises a requester database containing one or more of a user identifier a password, and personal information for the plurality of users (col. 15, line 43-col. 16, line 26).

8. As to claim 4, Woolston teaches the system of claim 3, wherein the requester database contains at least one shared user entry, the shared user entry associated with a single work site (col. 15, line 43-col. 16, line 26).
9. As to claim 5, Woolston teaches the system of claim 3, wherein the server computer system further comprises a work site database associating at least one of a plurality of work sites with each of the plurality of users (col. 15, line 43-col. 16, line 26).
10. As to claim 6, Woolston teaches the system of claim 5, wherein the server computer system further comprises an inventory database containing information about the selectable items (col. 9, line 63-col. 10, line 32).
11. As to claim 7, Woolston teaches the system of claim 6, wherein said information comprises one or more of an item identifying indicia, an item description, and an image representation of each item (col. 9, line 63-col. 10, line 32).
12. As to claim 8, Woolston teaches the system of claim 6, further comprising a validation rules database associating each of said selectable items with one or more of a plurality of work sites with which a user must be associated to verify the item for a requisition (col. 15, line 43-col. 16, line 26).
13. As to claims 11 and 23, they feature the same limitations as claim 1 and are rejected for the same reasons as claim 1.
14. As to claims 12, 19, and 20, they feature the same limitations as claims 2, 7, and 8 and are rejected for the same reasons as claims 2, 7, and 8.

15. As to claim 13, Woolston teaches the method of claim 11, wherein the client computer system and the server computer system communicate via the Internet (col. 8, line 39-col. 9, line 26).
16. As to claim 14, Woolston teaches the method of claim 11, further comprising identifying the user and retrieving information previously stored for the user (col. 15, line 43-col. 16, line 26).
17. As to claim 15, Woolston teaches the method of claim 11, further comprising providing at least one shared user account for use by multiple users, the shared user account associated with a single work site (col. 15, line 43-col. 16, line 26).
18. As to claim 17, Woolston teaches the method of claim 14, wherein the step of assigning a work site to a user is performed by retrieving previously sorted information associating each user with at least one of a plurality of work sites (col. 15, line 43-col. 16, line 26).
19. As to claim 18, Woolston teaches the method of claim 17, wherein the step of assigning a work site to a user is performed by retrieving previously stored information associating each user with at least one of a plurality of work sites (col. 15, line 43-col. 16, line 26).
20. Claims 1-6, 8, 10-18, 20, and 22-23 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 5,970,475 to Barnes et al..
21. As to claim 1, Barnes teaches a system for generating a requisition for selectable items comprising: a client computer system connected to a network; a server computer system connected to the network, the network interconnecting the client computer system and the server computer system, the client computer configured to allow a plurality of users to access the server computer system (col. 6, lines 33-65), the server computer system configured to: associate one of

a plurality of work sites with each of said users (col. 23, lines 4-35); identify items which may be requisitioned by a user associated with the associated work site, and items which may not be requisitioned by a user associated with the associated work site (col. 23, lines 4-35); receive and process a request of one or more selected items (col. 23, lines 4-35); verify that each requested item is an item that may be requisitioned by a user associated with the associated work site (col. 23, lines 4-35); and generate a requisition for the verified items (col. 22, line 46-col. 23, line 13).

22. As to claim 2, Barnes teaches the system of claim 1, wherein the client computer system comprises a web browser for accessing the network and communicating with the server over the network (col. 6, lines 33-65).

23. As to claim 3, Barnes teaches the system of claim 1, wherein the server computer system comprises a requester database containing one or more of a user identifier a password, and personal information for the plurality of users (col. 6, lines 33-65).

24. As to claim 4, Barnes teaches the system of claim 3, wherein the requester database contains at least one shared user entry, the shared user entry associated with a single work site (col. 23, lines 4-35).

25. As to claim 5, Barnes teaches the system of claim 3, wherein the server computer system further comprises a work site database associating at least one of a plurality of work sites with each of the plurality of users (col. 23, lines 4-35).

26. As to claim 6, Barnes teaches the system of claim 5, wherein the server computer system further comprises an inventory database containing information about the selectable items (col. 22, line 46-col. 23, line 13).

27. As to claim 8, Barnes teaches the system of claim 6, further comprising a validation rules database associating each of said selectable items with one or more of a plurality of work sites with which a user must be associated to verify the item for a requisition (col. 23, lines 4-35).
28. As to claim 10, Barnes teaches the system of claim 1, further comprising a requisition database containing information about previously generated requisitions (col. 22, line 46-col. 23, line 13).
29. As to claims 11 and 23, they feature the same limitations as claim 1 and are rejected for the same reasons as claim 1.
30. As to claims 12, 20, and 22, they feature the same limitations as claims 2, 8, and 10 and are rejected for the same reasons as claims 2, 8, and 10.
31. As to claim 13, Barnes teaches the method of claim 11, wherein the client computer system and the server computer system communicate via the Internet (col. 6, lines 33-65).
32. As to claim 14, Barnes teaches the method of claim 11, further comprising identifying the user and retrieving information previously stored for the user (col. 23, lines 4-35).
33. As to claim 15, Barnes teaches the method of claim 11, further comprising providing at least one shared user account for use by multiple users, the shared user account associated with a single work site (col. 23, lines 4-35).
34. As to claim 16, Barnes teaches the method of claim 11, further comprising providing at least one managerial account associated with a single work site and allowing a user to generate a requisition for any other user associated with said single work site (col. 25, lines 26-40).

35. As to claim 17, Barnes teaches the method of claim 14, wherein the step of assigning a work site to a user is performed by retrieving previously sorted information associating each user with at least one of a plurality of work sites (col. 23, lines 4-35).
36. As to claim 18, Barnes teaches the method of claim 17, wherein the step of assigning a work site to a user is performed by retrieving previously stored information associating each user with at least one of a plurality of work sites (col. 23, lines 4-35).

***Claim Rejections - 35 USC § 103***

37. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

38. Claims 7 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 5,970,475 to Barnes et al. in view of U.S. Patent Number 6,415,320 to Hess et al..

39. As to claim 7, Barnes teaches the system of claim 8, however Barnes does not teach information comprising an item description and an image.

Hess teaches describing a sale item that with a description and an image (See Figure 6B).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Barnes regarding a system for purchasing with the teachings of Hess regarding the description of an item because a description and an image provide an ideal way for a browser to show an item.

40. As to claim 19, it features the same limitations as claim 7 and is rejected for the same reasons as claim 7.

41. Claims 9 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 5,845,265 to Woolston in view of U.S. Patent Number 6,636,863 to Friesen.

42. As to claim 9, Woolston teaches the system of claim 10, however Woolston does not explicitly teach a database storing a list of items pre-selected by the user to be used at a later time to create a requisition.

Friesen teaches database storing a list of items pre-selected by the user to be used at a later time to create a requisition (col. 5, line 23-col. 6, line 3).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Woolston regarding a system for purchasing with the teachings of Friesen regarding storing a list of pre-selected items because storing a list allows for greater flexibility for the client (Friesen, col. 3, line 52-col. 4, line 35).

43. As to claim 21, it features the same limitations as claim 9 and is rejected for the same reasons as claim 9.

44. Claims 9 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 5,970,475 to Barnes et al. in view of U.S. Patent Number 6,636,863 to Friesen.

45. As to claim 9, Barnes teaches the system of claim 10, however Barnes does not explicitly teach a database storing a list of items pre-selected by the user to be used at a later time to create a requisition.

Friesen teaches database storing a list of items pre-selected by the user to be used at a later time to create a requisition (col. 5, line 23-col. 6, line 3).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Barnes regarding a system for purchasing with the teachings of Friesen regarding storing a list of pre-selected items because storing a list allows for greater flexibility for the client (Friesen, col. 3, line 52-col. 4, line 35).

46. As to claim 21, it features the same limitations as claim 9 and is rejected for the same reasons as claim 9.

47. Claims 10 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 5,845,265 to Woolston in view of U.S. Patent Number 5,987,423 to Arnold et al..

48. As to claim 10, Woolston teaches the system of claim 1, however Woolston does not explicitly teach a requisition database containing information about a previously generated requisition.

Arnold teaches a requisition database containing information about previously generated requisitions (col. 18, lines 4-22).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Woolston regarding a system for purchasing with the teachings of Arnold regarding the storage of previously generated requisitions because previously generated requisitions could be useful for creating new requisitions (Arnold, col. 18, lines 4-22).

49. As to claim 22, it features the same limitations as claim 10 and is rejected for the same reasons as claim 10.

***Conclusion***

50. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent Number 6,694,365 to Wyngarden teaches a system that provides multiple levels of access to a commerce web site. U.S. Patent Number 6,282,517 to Wolfe et al. teaches a system for matching purchase requests with sellers based on the sellers' locations.

51. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas B Blair whose telephone number is 703-305-5267. The examiner can normally be reached on 8:30am-5pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on 703-305-9705. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Douglas Blair  
May 12, 2004

*DBB*

*Jack B. Harvey*  
JACK B. HARVEY  
SUPERVISORY PATENT EXAMINER